

By: Representative Anderson (110th)

To: Transportation;  
Judiciary B

HOUSE BILL NO. 449

1 AN ACT TO AMEND SECTION 63-33-1, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT THE USE OF A HAND-HELD MOBILE TELEPHONE BY THE OPERATOR  
3 OF A MOVING MOTOR VEHICLE IN THE OUTERMOST LANE OF TRAFFIC ON A  
4 MULTI-LANE ROADWAY; TO PROVIDE THAT A VIOLATION OF THIS PROVISION  
5 IS A MISDEMEANOR PUNISHABLE IN THE SAME WAY AS OTHER TRAFFIC  
6 VIOLATIONS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 63-33-1, Mississippi Code of 1972, is  
9 amended as follows:

10 63-33-1. (1) For purposes of this section, the following  
11 terms shall have the meanings ascribed in this subsection, unless  
12 the context clearly indicates otherwise:

13 (a) "Hand-held mobile telephone" means a mobile  
14 telephone or other portable electronic communication device with  
15 which a user engages in a call or writes, sends or reads a text  
16 message using at least one (1) hand. The term "hand-held mobile  
17 telephone" shall not include a voice-operated or hands-free  
18 device;



19 (b) "Motor vehicle" means a vehicle driven or drawn by  
20 mechanical power and manufactured primarily for use on public  
21 highways;

22 (c) "Social networking site" means any web-based  
23 service that allows individuals to construct a profile within a  
24 founded system, articulate a list of other users with whom they  
25 share a connection, and communicate with other users of the site;

26 (d) "Text message" includes a text-based message,  
27 instant message, electronic message, and email, but shall not  
28 include an emergency, traffic or weather alert or a message  
29 related to the operation or navigation of the motor vehicle;

30 (e) "Voice-operated or hands-free device" means a  
31 device that allows the user to write, send, or read a text message  
32 without the use of either hand except to activate, deactivate, or  
33 initiate a feature or function; and

34 (f) "Writing," "sending" and "reading," with respect to  
35 a text message, means the manual entry, sending, or retrieval of a  
36 text message, respectively, to communicate with any person or  
37 device.

38 (2) An operator of a moving motor vehicle is prohibited from  
39 writing, sending, or reading a text message and from accessing,  
40 reading or posting to a social networking site using a hand-held  
41 mobile telephone while driving said motor vehicle.

42 (3) A violation of \* \* \* subsection (2) of this section is a  
43 civil violation, and upon being found in violation, is punishable



44 by a civil penalty of Twenty-five Dollars (\$25.00) for violations  
45 committed until July 1, 2016, and One Hundred Dollars (\$100.00)  
46 for violations committed from and after July 1, 2016. No state  
47 assessments shall be imposed or collected for a violation under  
48 subsection (2) of this section.

49 (4) The Department of Public Safety shall keep and maintain  
50 records of citations issued under this section, including the age  
51 and race of the vehicle operator, whether there was an additional  
52 traffic violation by the vehicle operator, and whether there was a  
53 crash or any damage to a vehicle or passenger at the time of the  
54 citation.

55 (5) An operator of a moving motor vehicle is prohibited from  
56 using a hand-held mobile telephone while driving said motor  
57 vehicle in the outermost lane of a multi-lane roadway.

58 (6) A violation of subsection (5) of this section is a  
59 misdemeanor, and upon conviction, is punishable in the same way as  
60 provided under Section 63-9-11.

61 **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2021.

